

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

| | | |
|--------------------------------------|---|----------------------------|
| JOHN FESLER LANCE, |) | Cause No. CV 05-13-H-CSO |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER REQUIRING DEFENDANTS |
| |) | TO FILE PLAINTIFF'S |
| STATE OF MONTANA; BILL SLAUGHTER, |) | CONSENT TO AMENDMENT |
| Director, Montana Department of |) | |
| Corrections; MONTANA STATE PRISON; |) | |
| MIKE MAHONEY, Warden, Montana |) | |
| State Prison; MARK LOCHRIE, |) | |
| Property Officer, Montana State |) | |
| Prison; TIM MUELLER, Hobby |) | |
| Director, Montana State Prison; |) | |
| TOM WOOD, Security Major, Montana |) | |
| State Prison; MYRON BEESON, |) | |
| Associate Warden, Montana State |) | |
| Prison; TRICIA ROBLES, Unit |) | |
| Manager, Montana State Prison; |) | |
| DENISE DEYOTT, Mail Room |) | |
| Supervisor, Montana State Prison; |) | |
| LYNN FOSTER, Property Officer, |) | |
| Montana State Prison; TERRY |) | |
| WILKINSON, Hearing Officer, Montana |) | |
| State Prison; DAVID PENTLAND, |) | |
| Hearing Officer, Montana State |) | |
| Prison; LEONARD MIHELICH, Associate) | | |
| Warden, Montana State Prison; |) | |
| JOSHUA HOTALEM, Corrections |) | |
| Officer, Montana State Prison; |) | |
| LARRY BRIGGS, IPS-1, Montana State |) | |
| Prison; CATHY REDFERN, Infirmary |) | |
| Unit Manager, Montana State Prison; |) | |
| SRIPATHI RAMAKRISHNA, Physician; |) | |
| LIZ RANTZ, Medical Director, |) | |
| Montana Department of Corrections; |) | |
| METLIFE; JOHN DOE, and JANE ROE, |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |
| |) | |

On November 22, 2005, the Defendants filed a Second Amended Answer. Fed. R. Civ. P. 15(a) provides that a party may amend an answer to which no reply is permitted once, as a matter of course, within twenty days of the original answer's filing. Otherwise, a party may amend a pleading only by leave of court or by written consent of the adverse party. Defendants represent that Plaintiff Lance consented in writing to allow them to file the Second Amended Answer. Because the record must show that such written consent has been given, Defendants must file a Notice of Consent, with the written consent attached as an exhibit. In the alternative, Defendants may request leave of court to file a Second Amended Answer in accordance with the Federal and Local Rules.¹

The parties are advised that, following Chief Judge Molloy's ruling on the two outstanding Findings and Recommendations, the Court will set a schedule for further proceedings in this case.

Based on the foregoing, the Court enters the following:

ORDER

Defendants shall immediately file Lance's written consent to the filing of their Second Amended Answer, or, in the

¹ The parties are advised that the Local Rules were amended effective December 1, 2005. Lance will receive a copy of the Rules that are pertinent to his case when the Court establishes a schedule for disposition.

alternative, seek leave of Court to do so, pursuant to Fed. R. Civ. P. 15(a) and the Local Rules of this Court.

DATED December 7, 2005.

/s/ Carolyn S. Ostby
Carolyn S. Ostby
United States Magistrate Judge